

Notice of Allowability

Application No.

09/524,060

Examiner

Mussa A. Shaawat

Applicant(s)

OR-BACH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone Interview 5/10/2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-7, 10, 13-19, 21, 23-25, 27, 29-30, 32-33, 35-36, 42, 44-45, and 47-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/8/00, 1/9/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawings submitted 3/13/2000
are accepted.

Examiner's Amendment

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's amendment was given in a telephone interview with Kenneth E. Leeds (Reg. No. 30,566) on 05/23/2007.

3. The application has been amended as follows:

The limitations of claim 5 were moved into independent method claims 1, 10, 13, 29 and 32. Claims 5, 8-9, 11-12, 20, 22, 26, 28, 31, 34, 37-41, 43, 46, and 49 have been canceled. Claims 1-4, 6-7, 10, 13-19, 21, 23-25, 27, 29-30, 32-33, 35-36, 42, 44-45, and 47-48 are pending examination. Claims 1, 6, 10, 13, 18, 29 and 32, have been amended as follows:

Claim 1 recites: (currently amended) A method comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory;

establishing a relationship between a radio frequency identification device and a

memory;

informing said customers when said goods will be available for pickup;

making said goods available for pick up by said customers, wherein said goods are in said reusable containers;

~~providing said goods in said containers to customers;~~

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 10 recites: (currently amended) A method comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory;

informing said customers when said goods will be available for pickup;

establishing a relationship between a radio frequency identification device and a memory;

making said goods available for pick up by said customers, wherein said goods are in said reusable containers;

~~providing said goods in said containers to customers;~~

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 13 recites: (currently amended) A method comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory;

establishing a relationship between a radio frequency identification device and a memory;

informing said customers when said goods will be available for pickup;

making said goods available for pick up by said customers, wherein said goods are in said reusable containers;

~~providing said goods in said containers to customers;~~

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 29 recites: (currently amended) A method comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory;

informing said customers when said goods will be available for pickup;

making said goods available for pick up by said customers, wherein said goods are in said reusable containers;

~~providing said goods in said containers to customers;~~

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 32 recites: (currently amended) A method comprising:

receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors;

collecting said goods from said plurality of vendors at a central location;

providing said goods in reusable containers, said reusable containers having a radio frequency identification device and a memory;

shipping said goods in said containers to a distribution point;

informing said customers when said goods will be available for pickup;

making said goods available for pick up by said customers, wherein said goods are in said reusable containers;

~~providing said goods in said containers to customers;~~

collecting said reusable containers from said customers; and

identifying which customers have returned their reusable containers by electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.

Claim 6 now depend from claim 1 instead of claim 5

Claim 18 recites: ~~A method~~ method of claim 1 further comprising:

~~providing goods in reusable containers, said reusable containers having identification indicia attached thereto;~~

~~establishing a relationship between that indicia and a memory;~~

~~providing said goods in said containers to customers;~~

collecting information on the purchasing habits of said customers and storing said information in a memory device; and

offering a reduction of shipping cost in exchange for allowing targeted advertisement to be added to the reusable containers in response to said information in said memory device.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter:

5. The closest prior art of record are Mitchell et al., US Patent No. (6,520,544) referred to hereinafter as Mitchell and NPL article titled, "Acsis Integrates Intermec's Radio Frequency Identification (RFID) Technology with SAP" PR Newswire. New York: June 7, 1999. Pg.1, referred to hereinafter as NPL.

Mitchell discloses method to determine the origin, contents, position, and/or destination of a reusable container (such as a tote or bin, particularly for a manufacturing process) by applying y applying a permanent adhesive label with embedded programmable RFID to the reusable container at a location where the RFID may be detected and reprogrammed. The RFID is programmed with accurate variable information including relating to at least one of the origin, contents, position, and destination of the container, and at least one location the variable information of the RFID is detected.

NPL discloses containers affixed with RFID's, the containers were put through a simulated supply process. At key stages throughout the process, the containers passed RFID readers that identified, recorded and displayed container status as it changed. Creation, inspection and cleaning data were recorded and displayed, then contents, batch number, weight and other pertinent data followed. Finally, the empty containers were "returned" by the customer, again passing an RFID reader station so that decisions could be made regarding inspection and return to inventory.

The prior art of record does not disclose or suggest "receiving orders from customers, said orders being for goods from a plurality of vendors, said orders being communicated to each of said vendors; collecting said goods from said plurality of vendors at a central location; informing said customers when said goods will be available for pickup; making said goods available for pick up by said customers, wherein said goods are in said reusable containers; collecting said reusable containers from said customers; and identifying which customers have returned their reusable containers by

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electronically querying the radio frequency identification devices attached to the reusable containers collected from said customers.” as recited in independent claims 1, 10, 13, 29 and 32. For these reason claims 1, 10, 13, 29 and 32 are deemed to be allowable over the prior art of record, and claims 2-4, 6-7, 14-19, 21, 23-25, 27, 30-30, 33, 35-36, 42, 44-45, and 47-48 are allowable by dependency.

A search for foreign prior art was conducted, however, no relevant references were found.

6. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
May 23, 2007

 5/23/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER